

REMARKS

In response to the Office Action mailed February 27, 2006, Applicant respectfully requests reconsideration. Claims 1-29 were previously pending in this application. No claims have been added, amended or canceled. As a result, claims 1-29 remain pending for examination, with claims 1, 9 and 16 being independent.

Telephone Interview with Examiner

Applicant's representatives wish to thank Examiners Le and Fureman for their courtesies in granting and conducting a telephone interview on June 27, 2006. The substance of the interview is summarized herein.

The Interview Agenda

As explained in the Interview Agenda filed June 26, 2006 (which is incorporated herein by reference) Applicant's representatives requested the interview to clarify several points raised in the Office Action, in which independent claims 1 and 16 are rejected under 35 U.S.C. §103 as purportedly being obvious in view of a combination of Hornstein and Isaacson, and independent claim 9 is rejected under §103 over Hornstein, Isaacson and Murohara.

The Office Action alleged that one skilled in the art would have been motivated to modify the label of Hornstein by arranging its chip in an opening in the double-faced adhesive to reduce the overall thickness of the label. In the Interview Agenda, Applicant's representatives requested clarification of how this could be achieved and what the modified structure would look like, as the alleged modification is not only believed to be unsupported by any motivation, but to be virtually impossible to achieve and to be against the teachings of Hornstein. For example, making the alleged modification to the embodiment shown in Fig. 1 of Hornstein would require completely changing the structure of the label, since the speaker 38 is disposed between the chip 20 and the double-faced adhesive surface 40.

Modifying the embodiment shown in Fig. 6 to place the chip 20 in an opening in the adhesive layer 40 would require arranging the entirety of substrate 18 within the double-faced adhesive, since the chip is embedded within, and is no thicker than, the substrate (see the cross-

section shown in Fig. 7). Of course, doing so would result in there being no surface area of the adhesive remaining, since the adhesive is adhered to the bottom surface of the substrate.

In addition, Fig. 7 reveals that the chip 20 is not the thickest component in the device, such that embedding the chip in the adhesive layer would have no impact on the overall thickness of the device. In this respect, Fig. 7 shows that spacers 38 are at least as thick as substrate 18, and Hornstein discloses that the spacers are required to allow sound from the speaker to escape (col. 6, lines 50-52). Similarly, slot 34 (see Fig. 6) provides access to connector 32 for recording sounds on the chip (col. 5, lines 8-11). Thus, the Interview Agenda pointed out that one skilled in the art would not attempt to reduce the overall thickness of the label by arranging the chip in the double-faced adhesive, since doing so would not achieve that result.

Moreover, the Interview Agenda further points out that the double-faced adhesive in Hornstein is so thin as to not even warrant being shown in the cross-sectional view of Fig. 7. Because the adhesive layer is so thin, one skilled in the art would not attempt to reduce the overall thickness of the label by reducing the thickness of the adhesive layer.

The Interview

When Applicants called to conduct the telephone interview, the Examiners indicated that they had reviewed the Interview Agenda and found it to be persuasive. Thus, a substantive discussion of the merits did not take place, as the Examiners indicated that they tentatively agreed that the arguments set forth in the Interview Agenda were persuasive and that the current grounds of rejection would be overcome. Thus, the Examiners requested that Applicants simply submit the present Request for Reconsideration.

In view of the foregoing, it is respectfully requested that the rejection of claims 1-29 under 35 U.S.C. §103 be withdrawn.

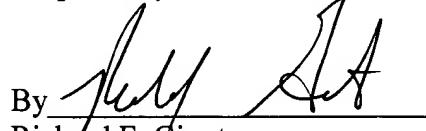
Conclusion

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the application in condition for allowance.

A request for a one-month extension of time is requested. This response, including the one-month extension fee, is covered by the enclosed check. Please charge any deficiency to Deposit Account No. 23/2825.

Dated: June 27, 2006

Respectfully submitted,

By 

Richard F. Giunta

Registration No.: 36,149
WOLF, GREENFIELD & SACKS, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
(617) 646-8000